

**REMARKS/ARGUMENTS**

The Examiner has imposed a restriction requirement requiring Applicant to elect a single disclosed species of the subject invention for prosecution on the merits in this case. The Examiner alleges that two patentably distinct species of the claimed invention are disclosed in the subject application, with one species referred to as Group 1 shown in FIGS. 1-9 and a second species referred to as Group 2 shown in FIGS. 10-16.

This invention is directed to a manually operated adjustable pipe repair clamp tool 100 which is illustrated in FIGS. 10-16 of this application. The tool 100 includes a body portion 102 having first and second opposed ends, with a second end generally comprising a handle 104. The tool 100 further includes a first pivot arm 110 having a first end pivotally coupled to the body portion 102 adjacent the first end thereof by means of a first pivot/coupling pin 106. The first pivot arm 110 further includes a second opposed end in the form of a clamp 110a adapted for insertion in an aperture such as shown as elements 132a and 132b in FIGS. 13-16. These apertures are disposed in a first edge flange 130a of a repair clamp 130. The tool further includes a clasp including a second pivot arm 112 pivotally coupled at one end to the body portion 102 intermediate the first and second opposed ends thereof by means of a second pivot/coupling pin 108. A second, opposed end of the second pivot arm 112 includes the clasp, or clamp end, 112a adapted to engage an outer edge of a second edge flange of the repair clamp when the body portion of the tool is in a first non-use position and the repair clamp is loosely disposed about the pipe. Pivoting displacement of the body portion 102 about the first pivot arm 110 and the clasp-bearing second pivot arm 112 to a second position draws of repair clamp's edge flanges 130a and 130b

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together for securely maintaining the repair clamp on and in engagement with the pipe and allowing nut and bolt combinations to be tightened for securing the repair clamp to the pipe in a sealed manner. The inventive repair clamp installation tool 100 further includes an adjustable mechanism coupling the clasp-bearing second pivot arm 112 to the tool's body portion 102 for adjusting the spacing between the first pivot arm 110 and the clasp-bearing second pivot arm 112 to accommodate a range of sizes of the repair clamp and diameters of the pipe. The capability of Applicant's inventive pipe repair clamp installation tool to accommodate pipes having a wide range of diameters is its primary advantage.

The invention described in the preceding paragraph is illustrated in FIGS. 10-16 and is described in the specification on pages 13-19 as well as in the Abstract of the Disclosure and Objects of the Invention. This invention is recited in independent claims 1 and 21, with specific features recited in the various dependent claims. The invention shown in FIGS. 1-9 is the subject of the parent application of this application which issued as U.S. Patent No. 6,837,522 on January 4, 2005

In the present case, independent claim 21 is a species of the invention recited in independent claim 1 because of the additional limitations recited in claim 21. The species recited in independent claim 21 is not patentably distinguishable from the invention recited in generic claim 1.

Claim 21 recites details of the invention in addition to those features recited in independent claim 1, as well as additional details of the environment in which this invention operates. More specifically, the preamble of claim 21 recites that the repair clamp with which the adjustable

installation tool of the present invention is intended for use includes an inner liner disposed between the pipe and the repair clamp as shown as element 31 in FIG. 5 and as is conventional with these types of pipe repair clamps. Claim 21 additionally recites the use of first and second pivot pins for respectively coupling the arm and clasp to the tool's body. These elements are respectively recited in claims 3 and 9 which depend from claim 1. In addition, claim 21 recites that in securing the repair clamp to a pipe, the tool's body is displaced about the first pivot pin in a direction away from the repair clamp's second edge flange. This configuration of the inventive adjustable insulation tool in the second clamping position is described in claim 19 which depends from claim 1. This is the extent of the differences between the recitations of independent claims 1 and 21. All of these additional recitations in independent claim 21 over those recited in independent claim 1 do not amount to the recitation of separate inventions in these two independent claims.

The apparatus recited in independent claims 1 and 21 are closely related and thus not a proper subject for a restriction requirement under the provisions of MPEP §808.02 because:

1. The inventions recited in claims 1 and 21 are both directed to apparatus for installing a repair clamp on a pipe and are comprised of essentially the same components operating in the same manner such that both embodiments would not be classified separately, nor would they require a separate field of search;
2. The two embodiments of Applicant's invention recited in independent claims 1 and 21 have the same status in the art of apparatus for installing a

repair clamp on a pipe because of their similarity in structure and operation;  
and

3. A search of the structures recited in the independent claims 1 and 21 would be directed to the same field of search because of the similarity in structure and operation between the adjustable pipe repair clamp installation tools recited in these two claims.

Claims 1-20 and 21-40 should be examined in this application and should not be the subject of a restriction requirement also because of the extent of linking claims between these two groups of claims. For example, there is substantial linkage between independent claims 1 and 21, as discussed above. Moreover, various dependent claims link the embodiment recited in claims 1-20 with the embodiment recited in claims 21-40. For example, dependent claim 22 recites additional details of the body portion of the inventive repair clamp installation tool which are also recited in dependent claims 8 and 9. Dependent claim 23 recites the same structure for the handle of the inventive repair clamp installation tool as recited in dependent claim 7. Dependent claim 25 recites details of the structure of the arm portion of the inventive pipe repair clamp installation tool which are also recited in dependent claim 14. For most, if not all of, the remaining claims which depend from claim 21 there are corresponding recitations in the remaining claims which depend from claim 1. The presence of this extensive number of linking claims between claims 1-20 and 21-40 requires examination of both sets of claims in this application and renders a restriction requirement inappropriate.

Because the invention recited in claims 1-20 and the invention recited in claims 21-40 are

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not separate and distinct, the election requirement should be withdrawn and all of the pending claims should be examined in this application.

In the event the restriction requirement is maintained, Applicant elects to prosecute claims 1-20 in this application.

Respectfully submitted,

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